

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                           |   |                         |
|---------------------------|---|-------------------------|
| HAROLD K. SPURELL,        | : |                         |
| Plaintiff,                | : |                         |
|                           | : | No. 06-cv-1960          |
| v.                        | : |                         |
|                           | : | Judge John E. Jones III |
| LACKAWANNA COUNTY PRISON, | : |                         |
| <i>et al.</i> ,           | : |                         |
| Defendants                | : |                         |

**MEMORANDUM**

March 31, 2008

This matter is before the Court pursuant to Federal Rule of Civil Procedure 41 and Local Rule 41.1 for the Plaintiff Harold Spurell's failure to prosecute this action. For the reasons set forth below, this action will be dismissed.

**I. BACKGROUND**

Spurell filed the complaint in this § 1983 action on October 4, 2006. (Doc. 1.) The defendants filed their answer to Spurell's complaint on December 7, 2006. (Doc. 12.) These are the only actions taken by the parties in this matter.

In the meantime, numerous orders from the Court addressed to the Plaintiff have been returned as undeliverable. (*See* Doc. 13 at 2.) Plaintiff has made no attempt to contact the Court, the Clerk, or opposing counsel to update his address.

On February 12, 2008, the Court ordered Plaintiff to show cause within 30 days why this action should not be dismissed for his failure to prosecute and failure to follow this Court's Local Rules and practice orders. Plaintiff has not responded to the Court's order.

## **II. DISCUSSION**

Pursuant to Fed. R. Civ. P. 41(b), a court may dismiss an action "if the plaintiff fails to prosecute or to comply with [the Federal Rules] or a court order." A trial court also retains inherent power to dismiss actions *sua sponte* where the plaintiff fails to prosecute. *See Kenney v. Cal. Tanker Co.*, 381 F.2d 775, 777 (3d Cir. 1967) In determining whether to dismiss a case for failure to prosecute, a court must consider the six so-called *Poullis* factors. *Hunt v. City of Scranton*, 236 Fed. Appx. 740, 742 (3d Cir. 2007) (citing *Poullis v. State Farm Fire & Cas. Co.*, 747 F.2d 863, 868 (3d Cir. 1984)). The Court's analysis of these factors is set forth in its February 12, 2008 Order. (*See* Doc. at 3-6.) There, the Court concluded that the *Poullis* factors weigh heavily in favor of dismissal. The Plaintiff's failure to respond to the Court's order to show cause has only confirmed that conclusion. This action will, therefore, be dismissed. An appropriate order will be entered.